United Nations S/2012/497

Security Council

Distr.: General
27 June 2012

Original: English

Letter dated 27 June 2012 from the Permanent Representative of Zimbabwe to the United Nations addressed to the President of the Security Council

Allow me to express through you, in your capacity as President of the Security Council for the month of June 2012, to the Security Council, the Government of the Republic of Zimbabwe's profound dismay at the allegations levelled against it by the Prosecutor of the International Criminal Tribunal, Justice Hassan B. Jallow, on 7 June 2012 when he briefed the Council on the work of the Tribunal.

In his statement, Justice Jallow informed the Security Council that the International Criminal Tribunal had information at its disposal that continues to link Potrais Mpiranya with Zimbabwe. Mr. Mpiranya is one of the top three fugitives who have been indicted by the Tribunal in connection with the 1994 genocide in Rwanda.

Justice Jallow further said that the tracking of the three fugitives, including Mpiranya, continues to be a challenge for the Tribunal because of lack of cooperation by Zimbabwe and other countries allegedly harbouring the fugitives.

Justice Jallow has been making similar allegations against Zimbabwe since 2010. Zimbabwe fully understands that cooperation with any Tribunal is an international legal obligation for all States Members of the United Nations. Therefore, Zimbabwe wants to put it on record that on two occasions, the Government of Zimbabwe allowed tracking teams from the Tribunal to enter the country to establish whether Mr. Mpiranya was in Zimbabwe. On both occasions, the Government of Zimbabwe offered assistance to the tracking teams. However, the tracking teams could not establish that Mr. Mpiranya was in the country.

We therefore feel that it is mischievous for the Tribunal Prosecutor to continue making false allegations against Zimbabwe when the Tribunal is fully aware that it failed to locate Mr. Mpiranya in Zimbabwe despite given opportunities to enter the country and search for him. It is disheartening and disappointing that the Prosecutor's statement clearly shows his disregard of Zimbabwe's cooperation with the Tribunal.

Further, Zimbabwe treats the allegations as absolutely unfounded, malicious and false. These allegations constitute a vilification of Zimbabwe, and we strongly object to this. Zimbabwe has always been willing to live up to its international obligations, including cooperation with the Tribunal, and therefore takes the

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allegations levelled against it by the Tribunal's Prosecutor very seriously. He must refrain from making any further similar allegations forthwith.

The Government of the Republic of Zimbabwe remains ready to cooperate constructively with the Tribunal processes as required and in fulfilment of its international obligations

I should be grateful if the present letter could be circulated as a document of the Security Council.

(*Signed*) C. **Chipaziwa**
Ambassador
Permanent Representative

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Letter dated 27 June 2012 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

I have the honour to inform you that the Government of the Sudan announced its acceptance of the tripartite initiative of the African Union, the Arab League and the United Nations for the delivery of humanitarian assistance to the affected population in the Blue Nile and South Kordofan States.

The Government of the Sudan and the representatives of the African Union, Arab League and the United Nations have agreed on the following nine principles to operationalize the process, namely:

1. To strictly adhere to the sovereignty of the Sudan and the obligation of the Government of the Sudan to safeguard the sovereignty and territorial integrity of the country as well as its right to maintain security and enforce the law, in accordance with article 3 of Protocol II of 1977, annexed to the four Geneva Conventions of 1949.

2. Guarantee the right of access to food and humanitarian aid to all those affected by the conflict, without discrimination.

3. The initiative is meant to lend itself to immediately end the armed conflict through a comprehensive approach.

4. To acknowledge what the Government has provided in terms of humanitarian aid to affected areas in both States.

5. To affirm the sovereignty of the Government of the Sudan in supervising humanitarian aid operations in all territories of the Sudan.

6. To affirm the partnership between the Government and the [three] sponsoring parties in reviewing technical arrangements to resolve humanitarian problems in the affected areas.

7. The need to agree on a definite time frame for humanitarian operations.

8. To endorse a joint workplan to provide humanitarian aid between the Government and the [three] sponsoring parties.

9. To endorse and implement, in the two States, the laws, regulations and directives governing the humanitarian work of the Government of the Sudan.

The Government of the Republic of the Sudan would like to stress that its approval comes in conformity with its policy to secure and safeguard the well-being of its citizens, especially in the affected areas, and in keeping with its declared acceptance of the African Union Peace and Security Council road map and United Nations Security Council resolution 2046 (2012).

While conveying the aforementioned information, I would appreciate it if the present letter were circulated as a document of the Security Council.

(*Signed*) Daffa-Alla Elhag Ali **Osman**
Permanent Representative

United Nations S/2012/499

Security Council

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Letter dated 27 June 2012 from the Chargé d'affaires a.i. of the Permanent Mission of South Sudan to the United Nations addressed to the President of the Security Council

Please find attached a copy of a letter addressed to former President Thabo Mbeki, Chairperson of the African Union High-level Implementation Panel, from Pagan Amum, the Chief Negotiator of the Republic of South Sudan (see annex).

The present letter addresses the decision by the Government of the Republic of South Sudan to accept the November 2011 map of the African Union High-level Implementation Panel for the sole purpose of establishing the safe demilitarized border zone, as a gesture of goodwill towards the negotiation process.

Kindly accept this submission as documentation for circulation to the Security Council.

(*Signed*) Francis **Nazario**
Deputy Permanent Representative
Chargé d'affaires a.i.

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Annex to the letter dated 27 June 2012 from the Chargé d'affaires a.i. of the Permanent Mission of South Sudan to the United Nations addressed to the President of the Security Council

Establishing the safe border demilitarized zone

I take this opportunity to formally convey to you that the Republic of South Sudan unconditionally accepts the African Union High-level Implementation Panel November 2011 map for the sole purpose of establishing the safe demilitarized border zone, as requested in the African Union Peace and Security Council communiqué of 24 April 2012 and United Nations Security Council resolution 2046 (2012).

The Republic of South Sudan takes this decision even though it continues to have serious concerns as to whether the establishment of the safe demilitarized border zone based on the African Union High-level Implementation Panel November 2011 map will aid in fully achieving the objective of reducing the threat to peace and security between the two States, in particular:

(i) The safe demilitarized border zone based on the map surprisingly leaves significant portions of the disputed and claimed areas still under occupation of the Sudanese Armed Forces and militarized, including but not limited to the areas of Heglig and Kafia Kingi/Hofra el Nahas, all of which have seen heavy fighting in the past months;

(ii) The implementation of the map causes a significant shift of administrative control in Kafia Kingi/Hofra el Nahas and may expose the population to displacement;

(iii) The map places the majority of the disputed and claimed areas within the Sudan, thereby resulting in the Sudan exercising administrative control over those areas.

Indeed, as a result of the above concerns, grave consequences may arise in the form of a continued risk of hostilities as long as heavy weaponry remains within the disputed areas despite any successful demilitarization of the safe demilitarized border zone.

Furthermore, while the Republic of South Sudan has always understood that the map was only to be used for purposes of implementing the safe demilitarized border zone and does not prejudice the final status of the outstanding disputed and claimed areas, the Republic of South Sudan cannot ignore that placing the lion's share of the disputed and claimed areas under Sudanese administrative control may remove the incentive for the Sudan to seek a prompt resolution of the dispute over those areas, creating a de facto sovereignty based on such a status quo instead. For that reason, as long as an agreement to subject the status of the disputed and claimed areas to final and binding international arbitration is not in place in the event that the negotiations hosted by the High-level Implementation Panel fail to resolve all the disputed and claimed areas by 2 August 2012, the uncertainty along the border will likely produce renewed insecurity, which may persist indefinitely. The people who live along the border in the two States deserve a better existence than that.

In spite of those serious reservations, the Republic of South Sudan is taking a leap of faith in the interest of peace by agreeing to the request by the African Union

Peace and Security Council and the United Nations Security Council to utilize the map to establish the safe demilitarized border zone. The Republic of South Sudan is ready to implement the decision immediately and unconditionally upon reciprocal acceptance by the Sudan.

In the light of our expressed concerns, and because it is the responsibility of the Government of the Republic of South Sudan to protect its civilians from harm, please know that a select team within the Government of the Republic of South Sudan will monitor the implementation of the decision on an ongoing basis. At the instruction of President Salva Kiir Mayardit, the team will be examining whether the establishment of the safe demilitarized border zone based on the map is achieving the objectives outlined in the security agreements between the parties, the United Nations Security Council resolution and the African Union Peace and Security Council communiqué, and is also protecting the lives of South Sudanese citizens within and around the safe demilitarized border zone.

This has been a difficult decision for the Republic of South Sudan. I trust that the African Union High-level Implementation Panel and the rest of the international community will not take it lightly, but rather receive it with a renewed mandate to take all the steps within its capabilities to ensure that the present decision can be sustained and can help to produce a true and lasting peace.

With this in mind, the Republic of South Sudan calls upon the African Union High-level Implementation Panel, the African Union Peace and Security Council, the United Nations Security Council and the international community to actively assist in addressing the concerns of the Republic of South Sudan. This assistance can include the following:

1. **Ensure no prejudice in the settlement of disputed and claimed areas.** For instance, the High-level Implementation Panel and the international community can provide its unequivocal support for the call by the Republic of South Sudan for a time-bound arbitration for any unresolved border areas after 2 August 2012. To guarantee that the map is used only for the purpose of establishing the safe demilitarized border zone and the Joint Border Verification and Monitoring Mechanism, and not to establish a de facto border between the Republic of South Sudan and the Sudan, an agreement to refer all outstanding disputed and claimed areas after 2 August 2012 to final and binding international arbitration is a must.

On that particular matter, I take the opportunity to assure you that the Republic of South Sudan will continue under your auspices to negotiate in good faith to secure a prompt agreement on the disputed and claimed areas, but that it will not accept any extension of the negotiations beyond 2 August 2012, in order to avoid uncertainty and a potential resumption of conflict.

2. **Prevent adverse impacts on local communities.** The Republic of South Sudan believes that it will be important for the African Union High-level Implementation Panel and the international community to request the Office for the Coordination of Humanitarian Affairs and other humanitarian agencies to observe more closely, and make recommendations as necessary, if the shift from Republic of South Sudan administrative control to Sudanese administrative control in areas such as Kafia Kingi begins to produce adverse impacts on the protection of the human rights of the citizens of those areas. With the end of Republic of South Sudan administrative control, the civilians there will need the international community to

ensure that the Sudan responsibly takes over its governance roles, treating all citizens equally and fairly and in a manner that does not create another humanitarian crisis.

3. **Prevent a return to conflict**. In addition, while remaining steadfast in our decision, consistent with the express terms of the security agreements between the parties, and with a view to reducing threats to peace and security between the two States, the Republic of South Sudan delegation will continue to pursue further negotiations with the aim of agreeing to fully demilitarize all the disputed and claimed areas as well as establishing joint administrations in those areas. The Republic of South Sudan hopes that the African Union High-level Implementation Panel and the international community will support that effort.

The Republic of South Sudan is aware of the resource concerns of the international community related to the monitoring of such an expanded safe demilitarized zone. That said, if the Sudan and the Republic of South Sudan agree that a wider demilitarization of their border is in their best interest in order to achieve increased peace, friendly relations and eventually a resumption of trade, then the financial concerns of the international community should not hinder that consensual act for peace. In turn, the two States will understand the limitations of international monitoring that may follow from the reduced resources.

Lastly, with respect to contested areas such as Kafia Kingi/Hofra el Nahas, the areas north of the Kiir River in Northern Bahr el Gahzal, and Panthou (Heglig), all of which have already seen fighting and which will remain largely militarized and under the occupation of the Sudanese Armed Forces, the Republic of South Sudan expects that the African Union Peace and Security Council and the United Nations Security Council will take all necessary measures to ensure that those areas do not again become a launching ground for attacks on the territory of the Republic of South Sudan and its people.

The Republic of South Sudan is confident that its decision today to stand ready to immediately and unconditionally establish the safe demilitarized border zone as per the map can lead to progress and peace. This, however, requires a reciprocal commitment from the Sudan and the active engagement and assistance by the African Union High-level Implementation Panel, the United Nations, the African Union Peace and Security Council and the international community as a whole to secure this commitment and address and mitigate the continuing concerns of the Government of the Republic of South Sudan. Time is of the essence and good faith collaboration and contributions from all will be necessary.

(*Signed*) Pagan **Amum**
Chief Negotiator
The Republic of South Sudan

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Letter dated 27 June 2012 from the Permanent Representative of Israel to the United Nations addressed to the President of the Security Council

Yesterday, Iran's Vice President Mohammad-Reza Rahimi spoke to senior United Nations officials at an event in Tehran supposedly dedicated to the issue of illicit drug trafficking. He said that the teachings of the Talmud — one of Judaism's holiest books — are responsible for "inciting global drug trade and addiction in a bid to annihilate non-Jewish communities".

He added that gynaecologists around the world kill "black babies" on the orders of the Zionists and said, "The Islamic Republic of Iran will pay for anybody who can research and find one single Zionist who is an addict. They do not exist. This is the proof of their involvement in drugs trade."

Just moments before Vice President Rahimi made these outrageous statements, Antonio De Leo, the United Nations Office on Drugs and Crime representative in Iran, praised Iran as a "key strategic partner in the fight against drugs".

The consistent complacency of the United Nations in the face of Iranian hate speech and incitement is dangerous. Year after year, President Ahmadinejad uses the United Nations podium as a platform to deny the Holocaust and call for the destruction of Israel. The delusional statements of Iran's leaders are not those of crazy people, but rational fanatics, with irrational hatreds. One can only imagine what such an extremist regime would do if it got its hands on the world's most dangerous weapons.

History shows that words can kill. Yesterday's events are another example of the classic anti-Semitism that is part of the core ideology of Iran's senior leaders, who foster a culture of State-sanctioned hate and incitement to genocide.

I expect the Security Council to issue a statement that clearly and unequivocally condemns Iranian incitement, without any further delay. There are certain times when silence is not an option.

I should be grateful if you would have the present letter distributed as a document of the Security Council.

(*Signed*) Ron **Prosor**
Ambassador
Permanent Representative

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Security Council

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29 June 2012

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France, Germany, South Africa, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Reaffirming its resolutions 1540 (2004) of 28 April 2004, 1673 (2006) of 27 April 2006, 1810 (2008) of 25 April 2008, and 1977 (2011) of 20 April 2011,

Recalling its decision in resolution 1977 (2011) to extend the mandate of the Committee established pursuant to resolution 1540 (2004), hereafter the 1540 Committee, until 25 April 2021,

Emphasizing the 1540 Committee's significantly increased workload over the course of its mandate,

Recalling, in that regard, its decision in paragraph 5 of resolution 1977 (2011) to continue to provide the 1540 Committee with the assistance of experts,

Requests the Secretary-General to increase the size of the group of experts referred to in paragraph 5 (a) of resolution 1977 (2011) to up to nine experts.

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